

**PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Application of:	)	
	)	Case No. 1D 2004 63832
	)	
Oscar Andalon	)	Order Granting Initial Probationary License
	)	
	)	
<u>Applicant</u>	)	

1) This Oscar Andalon is a 2004 graduate of University of St. Augustine for Health Science in St. Augustine, Florida. The applicant first filed his physical therapist application on or about April 16, 2004 in the State of California.

2) In April 2004, the applicant submitted an application for physical therapist licensure to the Physical Therapy Board of California. Question # 18 of the application asks: "Have you ever been convicted of, or pled nolo contendere to any offense in any state in the United States or a foreign country?" The applicant disclosed criminal history and signed his application on April 16, 2004, certifying under penalty of perjury under the laws of the State of California that the information contained in the application were true and correct.

3) On March 30, 2004, the California Department of Justice (DOJ) submitted to the Board the results of the applicant's fingerprint card. The DOJ reported that on March 11, 2001 the applicant was arrested in California and charged with False Check/Record/Certificate, Insufficient Funds: Checks/Etc and Obstructs/Resists Public Officer/Etc. On or about July 12, 2001, his plea of "Nolo Contendere" to the offense of Forgery and was sentenced to 3 years probation, serve 60 days in Monterey County Jail, a fine of \$700.

**JURISDICTION**

4) Section 480 (a) of the Business and Professions Code states that a board may deny a license regulated by this code on the grounds that the applicant has one of the following: (1) Been convicted of a crime...; (2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or (3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license... Section 480 (c) of the Business and Professions Code provides that the board may deny a license...on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license. The above findings support a conclusion that grounds for denial exist pursuant to Sections 480 (a)(1)(2) and (3) and 480(c).

5) Section 583 of the Business and Professions Code states that no person shall in any document or writing required of an applicant for examination, license, certificate, or registration under this division, the Osteopathic Initiative Act, or the Chiropractic Initiative Act, willfully make a false statement in a material regard.

6) Section 2660.2 of the Business and Professions Code, the Board may refuse a license to any applicant guilty of unprofessional conduct; or as an alternative, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct but has met all the requirements for licensure.

7) Pursuant to Section 480 of the Business and Professions Code, there is cause for denial of a license applicant Oscar Andalon.

8) Pursuant to Section 2660.2 of the Business and Professions Code, there is cause to refuse a license to applicant Oscar Andalon. Under the circumstances of this matter, however, a probationary license may be issued consistent with the public interest to applicant Oscar Andalon on appropriate terms and conditions of probation.


### **ORDER**

IT IS ORDERED THAT the application of Oscar Andalon for licensure as a physical therapist is hereby issued subject to terms and conditions. Said license shall be subject to all of the following terms and conditions for a period of three (3) years:

1. PROBATION Applicant is placed on probation for a period of three years. Probation begins on the date the initial probationary license is issued.
2. OBEY ALL LAWS Applicant shall obey all federal, state and local laws, and all rules governing the practice of physical therapy in California.
3. QUARTERLY REPORTS Applicant shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of the probation.
4. RESTRICTION OF PRACTICE – PROHIBITION OF SELF EMPLOYMENT OR OWNERSHIP Applicant shall not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Applicant shall not be a Board member or an officer or have a majority interest in any corporation that offers or provides physical therapy services. Applicant may not employ physical therapist, physical therapist assistants or physical therapy aides.
5. RESTRICTION OF PRACTICE - HOME CARE Applicant shall not provide physical therapy services in a patient's home.
6. RESTRICTION OF PRACTICE - GRAVEYARD SHIFT Applicant shall be prohibited from working a graveyard shift or any shift in which there is no other physical therapist practicing.
7. RESTRICTION OF PRACTICE - NO EMPLOYMENT OR SUPERVISION OF PHYSICAL THERAPY STUDENT INTERNS Applicant shall not supervise

any physical therapy student interns during the entire period of probation. Applicant shall terminate any such supervisory relationship in existence on the effective date of this probation.

8. COMPLIANCE WITH ORDERS OF A COURT Applicant shall be in compliance with any valid order of a court. Being found in contempt of any court may constitute a violation of probation.
9. COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF RESTITUTION Applicant must not violate any terms and conditions of any criminal probation and must be in compliance with any restitution ordered.
10. PROBATION MONITORING PROGRAM COMPLIANCE Applicant shall comply with the Board's probation monitoring program.
11. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Applicant shall appear in person for interviews with the Board, or its designee, upon request at various intervals and with reasonable notice.
12. NOTIFICATION OF PROBATIONARY STATUS TO EMPLOYERS The applicant shall notify all present or future employers of the reason for and the terms and conditions of the probation by providing a copy of the order to the employer. The applicant shall obtain written confirmation from the employer that the document was received. If applicant changes employment or obtains additional employment, applicant shall provide the above notification to the employer and submit written employer confirmation to the Board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.
13. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The applicant shall notify the Board, in writing, of any and all changes of name or address within ten (10) days.
14. PROHIBITED USE OF ALIASES Applicant may not use aliases and shall be prohibited from using any name which is not his legally-recognized name or based upon a legal change of name.
15. WORK OF LESS THAN 20 HOURS PER WEEK If the applicant works less than 192 hours in a period of three months in employment related to the provision of physical therapy services, those months shall not be counted toward satisfaction of the probationary period. The applicant shall notify the Board if he works less than 192 hours in a three months period.
16. TOLLING OF PROBATION The period of probation shall run only during the time applicant is practicing within the jurisdiction of California. If, during probation, applicant does not practice within the jurisdiction of California, applicant is required to immediately notify the probationary monitor in writing of the date that applicant's practice is out of state, and the date of return, if any. Practice by the applicant in California prior to notification to the Board of the applicant's return will not be credited toward completion of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.
17. VIOLATION OF PROBATION If applicant violates probation in any respect, the Board, after giving applicant notice and the opportunity to be heard, may

- revoke probation and the license. If an accusation or petition to revoke probation is filed against applicant during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
18. CESSATION OF PRACTICE DUE TO RETIREMENT, HEALTH OR OTHER REASONS Following the effective date of this probation, if applicant ceases practicing physical therapy due to retirement, health or other reasons, applicant may request to surrender his license to the Board. The Board reserves the right to evaluate the applicant's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable, the applicant makes application for the renewal of the tendered license or makes application for a new license.
  19. COMPLETION OF PROBATION Upon successful completion of probation, applicant's license shall be y restored.
  20. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE ON PROBATION It is not contrary to the public interest for the applicant to (practice or perform) physical therapy under the probationary conditions specified in the disciplinary order.
  21. RESTRICTION OF PRACTICE-PROHIBITION OF DIRECT INSURANCE BILLING Applicant shall not have final approval over any billings submitted to any third-party payors in any employment as a physical therapist.

THIS DECISION SHALL BECOME EFFECTIVE ON October 25, 2004.

IT IS SO ORDERED September 24, 2004.

Original Signed By:  
Steven K. Hartzell, Executive Officer  
Physical Therapy Board of California